

CHAPTER 495

(Senate Bill 650)

AN ACT concerning

Drunk and Drugged Driving – Test Refusal – Enhanced Criminal Penalties

FOR the purpose of providing for certain enhanced criminal penalties that may be imposed if a person is convicted of certain alcohol- or drug-related driving offenses and the trier of fact finds beyond a reasonable doubt that the person knowingly refused to take a certain test under certain circumstances; requiring a police officer to advise a person of the enhanced criminal penalties under this Act under certain circumstances; providing for certain procedures; providing that an initial refusal to take a certain test that is withdrawn under certain circumstances is not a refusal for certain purposes; defining a certain term; and generally relating to certain enhanced criminal penalties for a conviction of a violation of certain alcohol- or drug-related driving offenses if a certain test is refused under certain circumstances.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16-205.1(b)(2) and (g)(1)

Annotated Code of Maryland

(2002 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 16-205.1(l)(1) and 21-902(a), (b), (c), and (d)

Annotated Code of Maryland

(2002 Replacement Volume and 2004 Supplement)

BY adding to

Article – Transportation

Section 27-101(x)

Annotated Code of Maryland

(2002 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

16-205.1.

(b) (2) Except as provided in subsection (c) of this section, if a police officer stops or detains any person who the police officer has reasonable grounds to believe is or has been driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any